

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:23-CV-00019-FDW**

RACE ENGINES PLUS, LLC,

Appellant,

vs.

MATTHEW W. SMITH, Chapter 11 Trustee
for BK Racing, LLC,


Appellee.

ORDER

THIS MATTER is before the Court sua sponte following the filing of Appellant's Brief and Appendix, (Doc. Nos. 5, 7). On March 6, 2023, and prior to the filing of those two documents, the Court signed an Order granting an extension of time for those filings and consolidating this case with the related case of 3:23-cv-80. (Doc. No. 8). Although the Order was signed prior to the filing of the Brief and Appendix, it did not get processed on the docket until March 7, 2023, after the Brief and Appendix were filed. In light of the Court's Order consolidating this case and extending the time for filing Appellant's Brief and Appendix in this matter, the Court *sua sponte* STRIKES those pleadings, (Doc. Nos. 5, 7), and DIRECTS Appellant to file a new Brief and Appendix that address the consolidated case. Pursuant to the Court's order, (Doc. No. 8), the Brief and Appendix shall be due on March 13, 2023.

IT IS SO ORDERED.

Signed: March 7, 2023


Frank D. Whitney
United States District Judge